UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

WELLS FARGO BANK, N.A.,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	**CASE NO.: ___________________**
	§	
ELDER AIR, LLC, LEIGH WOOLDRIDGE, and ECKHARD ALT.,	§	
	§	
	§	
Defendants.	§	

PLAINTIFF'S ORIGINAL COMPLAINT FOR INTERPLEADER

NOW COMES Wells Fargo Bank, N.A. in accordance with the Federal Interpleader Statute (28 U.S. Code §1335) and files this Interpleader action as an innocent stakeholder, seeking to deposit into the registry of the Court all sums of money on deposit at Wells Fargo in dispute between the Defendants, minus Wells Fargo's attorneys fees, and as grounds therefore shows the court as follows:

I.
JURISDICTION

This court has diversity jurisdiction. The court has jurisdiction over interpleader actions in accordance with 28 U.S. Code § 1335. Complete diversity exists among all parties. Wells Fargo Bank, N.A., is a national association incorporated in South Dakota. Wells Fargo maintains only South Dakota is relevant to diversity analysis pursuant to 28 U.S. Code § 1348. Some courts have disagreed, applying South Dakota and California to the diversity analysis, but these cases are irrelevant to this dispute as no defendant is a California resident.

Elder Air, LLC is organized under the laws of Louisiana. Its membership is disputed, but they are all domiciled in Texas. Eckhard Alt is a German citizen, domiciled in Texas or Louisiana. Leigh Wooldridge, the daughter of Jasper N. Warren (the founder of Elder Air, LLC), is the Executrix of the Estate of Mr. Warren (see attached Exhibits 1 and 2, the death certificate and letter testamentary) and is domiciled in Texas.

II.
VENUE

Venue is appropriate because Eckhard Alt currently resides in Harris County, Texas, within the Southern District.

III.
CITATION

Elder Air, LLC may be served with citation by serving Mr. Finley E. Hilliard, the registered agent, at 1304 Enterprise Boulevard, Suite A, Lake Charles, Louisiana 70601.

Eckhard Alt may be served with citation at his home address of 2210 Chilton Road, Houston, Texas 77019 (home telephone number 713-808-9506, cell; 504-621-6244).

Leigh Wooldridge may be served with citation at either her work address of McAllen Convention Center, 700 Convention Center Blvd., McAllen Texas 78501, or at her home address at 3001 N. Main Street, McAllen, Texas 78501.

IV.

Wells Fargo maintains an account for Elder Air, LLC. Eckhard Alt and Leigh Wooldridge each claim the right to ownership to the funds on deposit in the Elder Air, LLC account. Unable to conclusively determine who is correct in their claim, despite efforts to investigate the dispute and amicably resolve it, Wells Fargo tenders all funds on deposit in the Elder Air, LLC account. Wells Fargo unconditionally tenders all funds in the Alder Air, LLC accounts into the registry of the court, minus the reasonable and necessary attorneys fees of Wells Fargo's counsel, and allow the court to determine whether Elder Air, LLC, Leigh Wooldridge as Independent Executrix of the Estate of Jasper Newton Warren, or Eckhard Alt is entitled to ownership or management of the funds.

WHEREFORE, PREMISES CONSIDERED, Wells Fargo respectfully prays all Defendants be cited to appear and answer, and that Wells Fargo have and recover of and from all Defendants, jointly and severally, the sum of all reasonable and necessary attorneys' fees and such other and further relief, both general and special, legal and equitable, to which Wells Fargo is justly entitled, and that the remainder of funds be deposited to the registry with the complete discharge of Well Fargo's liability.

Dated: December 7, 2016

Respectfully submitted,

By: /s/ Harry Herzog

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